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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,477	11/06/2003	Tony Yang	YANG3157/EM	8589
23364	7590	10/03/2006	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			NGUYEN, TUAN DUC	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,477	Applicant(s) YANG, TONY	
	Examiner Tuan D. Nguyen	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "coupling block" in page 9 line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 1-5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent number 5,201,896 (Kruszewski).

Regarding claim 1, Kruszewski discloses a speaker box mounting structure (figs 1-3) comprising: a holder base (14) having a mounting plate for fastening to a wall or ceiling; a swivel arm set (20) coupled to said

holder base and adjustable relative to said holder base to a desired direction and angle; a coupling unit (22,24,26,36,40,41) coupled to said swivel arm set, said coupling unit having a base (22), a coupling portion (24,26,30) disposed at the base of said coupling unit, and two stop faces disposed at two sides of the coupling portion of said coupling unit and defining a contained angle; and a speaker box (12) having a coupling portion (54,56,44,58,60) coupled to the coupling portion of said coupling unit, and two stop faces disposed at two sides of the coupling portion of said speaker box and respectively stopped against the stop faces of said coupling unit.

Regarding claim 2, Kruszewski further discloses wherein said swivel arm set comprises a first swivel arm (24) coupled to said holder base, and a second swivel arm (26) coupled between said first swivel arm and said coupling unit and adapted to adjust the angular position of said coupling unit relative to said first swivel arm.

Regarding claim 3, Kruszewski further shows wherein the coupling portion of said coupling unit is a coupling block, and the coupling portion of said speaker box is a coupling groove for receiving said coupling block (see figures 2 and 3).

Regarding claim 4, Kruszewski further shows wherein coupling portion of said coupling unit is a coupling groove, and the coupling portion of said

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speaker box is a coupling block engaged into said coupling groove of said coupling portion of said coupling unit (see figures 2 and 3).

Regarding claims 5 and 7, Kruszewski further discloses wherein said coupling unit further comprises a coupling rod (40) coupled between said base and said swivel arm set.

Regarding claim 8, Kruszewski also shows wherein the coupling block of said coupling unit further comprises a second coupling portion, and said coupling rod has a coupling portion connected to the second coupling portion of the coupling block of said coupling unit (see figs. 2 and 3).

Regarding claims 9 and 10, Kruszewski also shows wherein said swivel arm set further comprises a second swivel arm having an engagement device, said first swivel arm of said swivel arm set further comprises a second engagement device engaged with said engagement device of said second swivel arm at a desired angle (see fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent number 5,201,896 (Kruszewski).

Kruszewski does not disclose wherein the coupling portion of said coupling unit and the coupling portion of said speaker box have a shape selected from the group consisting of dovetailed shape, semispherical shape, cylindrical shape, and spherical shape.

However, the coupling portion and the coupling unit that have dovetailed shape, semispherical shape, cylindrical shape, or spherical shape are well known in the art. For instance US patent number 3,848,844 discloses these shapes (see figs. 9 and 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use these known shape for easily assembly.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (571) 272-8163. The examiner can normally be reached on M-F 6:30-3:00.

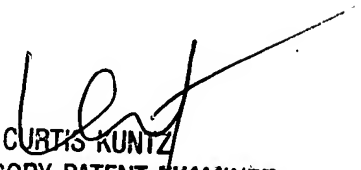
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TDN
9/21/06


CURTIS KUNTZ
ASSISTANT PATENT EXAMINER
BIOLOGY CENTER 2600